

MINNEAPOLIS CITY ATTORNEY'S OFFICE

COMPLAINT DENIAL

FROM: LISA M. GODON

RE: State of Minnesota v. Jackson Porter Mahaffy

CITY LAW # 05-01528

REPORT # MP-04-115690

OFFENSE DATE: 5/14/04

TO: Sgt. Erika Christensen, MPD

I am declining to issue a complaint in the above-referenced case. The police report indicates that you intended to tab charge the defendant with certain offenses, but the court database (SIP) does not reflect such charges. Based on the facts in the police report, possible charges include fifth-degree assault, damage to property, disorderly conduct, and obstructing vehicular traffic. I have reviewed the police reports, as well as a series of independent witness statements that were provided to me by Mr. Mahaffy's father. Based on those statements, Mr. Mahaffy would likely claim that his actions were in self-defense. It would be the State's burden to prove that Mahaffy did not act in self-defense, and given the anticipated testimony of the independent witnesses, it is unlikely that the State could meet this burden. Self-defense applies to the assault and disorderly conduct charges, and because of proof difficulties regarding self-defense, neither charge will be issued. As to the damage to property claim, the report indicates that the damage was relatively minor, and the amount of alleged damage is not specified. Moreover, to prove the crime of damage to property, the State must establish that a defendant intended to damage the property. In this case, there is no evidence of intent; in fact, it appears that the defendant was intoxicated and swinging his bag carelessly while standing in the street. Criminal intent could not be established. Finally, there is evidence that Mahaffy obstructed traffic. However, weighing the anticipated evidence in the case and in light of the equities involved, I am declining to pursue that charge.

LISA M. GODON
ASSISTANT CITY ATTORNEY
612-673-2005

RESUBMIT IF NEW EVIDENCE.

IF RESUBMITTING FILE, PLEASE ATTACH THIS COMPLAINT DENIAL.

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